

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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D. JOSEPH KURTZ, Individually and on	:	Civil Action No. 1:14-cv-01142
Behalf of All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff,	:	
vs.	:	DECLARATION OF MARK S. REICH IN
	:	SUPPORT OF PLAINTIFF'S MOTION TO
	:	LIFT THE COURT'S OCTOBER 9, 2015
KIMBERLY-CLARK CORPORATION, et al.,	:	ORDER STAYING CASES AND
	:	REFERRING ISSUES TO THE FEDERAL
Defendants.	:	TRADE COMMISSION
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I, MARK S. REICH, declare, under penalty of perjury:

1. I am a partner with Robbins Geller Rudman & Dowd LLP and counsel to plaintiff D. Joseph Kurtz (“Plaintiff”) in the above-captioned action. I submit this Declaration in support of Plaintiff’s Motion to Lift the Court’s October 9, 2015 Order Staying Cases and Referring Issues to the Federal Trade Commission (“FTC”). *See* Dkt. No. 183.

2. Attached hereto as Exhibit A is a true and correct copy of a PDF of the FTC’s final Decision and Order [Including Attachment A] in *In the Matter of Nice-Pak Products, Inc.*, No. 132-3272, issued on October 30, 2015, available at <https://www.ftc.gov/system/files/documents/cases/151102nice-pakdo.pdf>.

3. Attached hereto as Exhibit B is a true and correct copy of a webpage containing the FTC’s Press Release entitled *FTC Approves Final Order Requiring Wet Wipe Manufacturer to Substantiate “Flushability” Advertising Claims*, issued on November 2, 2015, available at <https://www.ftc.gov/news-events/press-releases/2015/11/ftc-approves-final-order-requiring-wet-wipe-manufacturer>.

4. Attached hereto as Exhibit C is a true and correct copy of a PDF of the Complaint in *In the Matter of Nice-Pak Products, Inc.*, No. 132-3272, issued by the FTC on October 30, 2015 against Nice-Pak Products, Inc., for violation of the provisions of the Federal Trade Commission Act, available at <https://www.ftc.gov/system/files/documents/cases/151102nice-pakcmpt.pdf>.

5. Attached hereto as Exhibit D are true and correct copies of excerpts of the Transcript of Hearing Before the Honorable Jack B. Weinstein, United States Senior Judge, and the Honorable Robert H. Levy, United States Magistrate Judge, in *Kurtz v. Kimberly-Clark Corp., et al.*, No. 1:14-cv-1142-JBW-RML, on the parties’ motions for and to deny class certification and the Court’s order

to show cause why the court should not stay the case and refer it to the FTC, held on October 9, 2015  
at the United States Courthouse in Brooklyn, New York.

DATED: November 10, 2015

*/s/ Mark S. Reich*

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MARK S. REICH

CERTIFICATE OF SERVICE

I, Mark S. Reich, hereby certify that on November 10, 2015, I authorized a true and correct copy of the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such public filing to all counsel registered to receive such notice.

/s/ Mark S. Reich

Mark S. Reich